

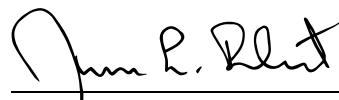
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EFREN LOPEZ-GAMBOA,  
Petitioner,  
v.  
RICHARD MORGAN,  
Respondent.

CASE NO. C05-940JLR  
ORDER

This matter comes before the court upon Petitioner's Notice of Appeal/Motion for Certificate of Appealability ("COA") (Dkt. # 31). Petitioner originally filed a pro se petition under 28 U.S.C. § 2254, and his notice of appeal and motion are also pro se. Petitioner alleges that under White v. Lambert, 370 F.3d 1002 (9th Cir. 2004), he does not need a COA. The court has reviewed the underlying habeas petition and determined that because Petitioner challenges an administrative decision of the Washington Indeterminate Sentence Review Board, rather than state court process, he need not obtain a COA. Id. At 1010. As such, the court STRIKES the motion for certificate of appealability, and directs the clerk to treat the notice of appeal as effective on December 5, 2005.

Dated this 29th day of December, 2005.



James L. Robart  
United States District Judge

ORDER